

PATENT COOPERATION TREATY

PCT

NOTIFICATION OF ELECTION

(PCT Rule 61.2)

From the INTERNATIONAL BUREAU

To:

Commissioner
 US Department of Commerce
 United States Patent and Trademark
 Office, PCT
 2011 South Clark Place Room
 CP2/5C24
 Arlington, VA 22202
 ETATS-UNIS D'AMERIQUE
 in its capacity as elected Office

Date of mailing (day/month/year) 05 July 2001 (05.07.01)	
International application No. PCT/US00/27971	Applicant's or agent's file reference 8276/VB
International filing date (day/month/year) 10 October 2000 (10.10.00)	Priority date (day/month/year) 08 October 1999 (08.10.99)
Applicant MANSKE, Thomas, James, Jr. et al	

1. The designated Office is hereby notified of its election made:

☒ in the demand filed with the International Preliminary Examining Authority on:

05 February 2001 (05.02.01)

☐ in a notice effecting later election filed with the International Bureau on:

2. The election ☒ was
☐ was not

made before the expiration of 19 months from the priority date or, where Rule 32 applies, within the time limit under Rule 32.2(b).

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland Facsimile No.: (41-22) 740.14.35	Authorized officer H. Zhou Telephone No.: (41-22) 338.83.38
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INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference 8276/VB	FOR FURTHER ACTION see Notification of Transmittal of International Search Report (Form PCT/ISA/220) as well as, where applicable, item 5 below.	
International application No. PCT/US 00/ 27971	International filing date (day/month/year) 10/10/2000	(Earliest) Priority Date (day/month/year) 08/10/1999
Applicant THE PROCTER & GAMBLE COMPANY et al.		

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 3 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ the international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international search was carried out on the basis of the sequence listing :

☐ contained in the international application in written form.

☐ filed together with the international application in computer readable form.

☐ furnished subsequently to this Authority in written form.

☐ furnished subsequently to this Authority in computer readable form.

☐ the statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.

☐ the statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished

2. ☐ **Certain claims were found unsearchable** (See Box I).

3. ☐ **Unity of invention is lacking** (see Box II).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☐ the text is approved as submitted by the applicant.

☒ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box III. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. The figure of the **drawings** to be published with the abstract is Figure No.

☐ as suggested by the applicant.

☐ because the applicant failed to suggest a figure.

☒ because this figure better characterizes the invention.

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☐ None of the figures.

INTERNATIONAL SEARCH REPORT

International application No.

PCT/US 00/27971

Box III TEXT OF THE ABSTRACT (Continuation of item 5 of the first sheet)

LINE 1 -...APPLICATOR(10)
LINE 2 -...FIRST SIDE(24)...SECOND SIDE(26)...CAVITY(29)
LINE 4 -...CAVITY(29)
LINE 5 -...SIDE(24)
LINE 6 -...SIDE(26)
LINE 8 -...LAYER(25)...CAVITY(29)...SIDE(24)
LINE 9 -...SIDE(24)
LINE 10-...SIDE(26)
LINE 12-...LAYER(25)...CAVITY(29)
LINE 13-...FIRST SIDE(24)...SECOND SIDE(26)
LINE 14-...SIDE(24)

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/27971

A. CLASSIFICATION OF SUBJECT MATTER

IPC 7 A47L13/18 A47L1/15

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)

IPC 7 A47L B60S

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the international search (name of data base and, where practical, search terms used)

EPO-Internal, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	CH 682 207 A (ZOHREH T) 13 August 1993 (1993-08-13) the whole document	1-4, 8
Y		6, 7, 9, 16
A		10
Y	US 5 127 127 A (JAROSINSKI L) 7 July 1992 (1992-07-07) abstract column 3, line 32 - line 39 column 4, line 10 - line 25 figures 1,5	6, 9
A		1, 10



Further documents are listed in the continuation of box C.



Patent family members are listed in annex.

* Special categories of cited documents:

A document defining the general state of the art which is not considered to be of particular relevance

E earlier document but published on or after the international filing date

L document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)

O document referring to an oral disclosure, use, exhibition or other means

P document published prior to the international filing date but later than the priority date claimed

T later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention

X document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone

Y document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.

G document member of the same patent family

Date of the actual completion of the international search

9 March 2001

Date of mailing of the international search report

19/03/2001

Name and mailing address of the ISA

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Authorized officer

Cabral Matos, A

INTERNATIONAL SEARCH REPORT

International Application No

PCT/US 00/27971

C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
Y	WO 97 38598 A (PROCTER & GAMBLE) 23 October 1997 (1997-10-23) cited in the application abstract page 14, paragraph 2 - paragraph 3 figure 6	7
A	---	1,10
Y	US 4 004 711 A (RAVICH L E) 25 January 1977 (1977-01-25) abstract column 4, line 50 -column 5, line 25 figures 1-3	16
P,X	---	1,2,7
A	US 6 019 854 A (THOMAS G H) 1 February 2000 (2000-02-01) abstract column 3, line 28 - line 36 column 3, line 53 -column 4, line 3 figures 1,2,6,7	10
A	---	1,10
A	US 4 807 322 A (LITTLEDEER T F) 28 February 1989 (1989-02-28) cited in the application abstract column 1, line 41 - line 47 column 2, line 21 - line 54 figures 3-6	1,10
A	---	1,10
A	US 5 134 746 A (WILLIAM STEVEN) 4 August 1992 (1992-08-04) cited in the application abstract column 5, line 39 - line 45 figure 12	1,10
A	---	1,10
A	US 5 094 559 A (RIVERA L A ET AL) 10 March 1992 (1992-03-10) abstract column 3, line 54 - line 61 column 4, line 14 - line 42 column 6, line 31 - line 56 figures 1-3	1,10
A	---	16
A	WO 98 29063 A (PROCTER & GAMBLE) 9 July 1998 (1998-07-09) abstract -& US 6 096 067 A (PROCTER & GAMBLE) 1 February 2000 (2000-02-01) cited in the application -----	16

INTERNATIONAL SEARCH REPORT

Information on patent family members

International Application No

PCT/US 00/27971

Patent document cited in search report		Publication date	Patent family member(s)		Publication date
CH 682207	A	13-08-1993	NONE		
US 5127127	A	07-07-1992	NONE		
WO 9738598	A	23-10-1997	AU	2460397 A	07-11-1997
			BR	9708723 A	03-08-1999
			EP	0910255 A	28-04-1999
			JP	11508002 T	13-07-1999
US 4004711	A	25-01-1977	US	3889804 A	17-06-1975
US 6019854	A	01-02-2000	US	5900068 A	04-05-1999
US 4807322	A	28-02-1989	NONE		
US 5134746	A	04-08-1992	US	5609431 A	11-03-1997
US 5094559	A	10-03-1992	US	5090832 A	25-02-1992
WO 9829063	A	09-07-1998	US	6096067 A	01-08-2000
			US	6019782 A	01-02-2000
			AU	5707898 A	31-07-1998
			BR	9714448 A	24-10-2000
			CN	1254268 A	24-05-2000
			EP	0967944 A	05-01-2000
			NO	993243 A	25-08-1999

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REC'D 05 FEB 2002

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 8276/VB	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/US00/27971	International filing date (day/month/year) 10/10/2000	Priority date (day/month/year) 08/10/1999
International Patent Classification (IPC) or national classification and IPC A47L13/18		
Applicant THE PROCTER & GAMBLE COMPANY et al.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.



2. This REPORT consists of a total of 6 sheets, including this cover sheet.

- ☐ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☒ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 05/02/2001	Date of completion of this report 01.02.2002
Name and mailing address of the international preliminary examining authority:  European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465	Authorized officer Martin Gonzalez, G Telephone No. +49 89 2399 2154 

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27971

I. Basis of the report

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):
Description, pages:

1-26 as originally filed

Claims, No.:

1-16 as originally filed

Drawings, sheets:

1/10-10/10 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).
☐ the language of publication of the international application (under Rule 48.3(b)).
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.
☐ filed together with the international application in computer readable form. _ _ _ _
☐ furnished subsequently to this Authority in written form.
☐ furnished subsequently to this Authority in computer readable form.
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:
☐ the claims, Nos.:

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT**

International application No. PCT/US00/27971

☐ the drawings, sheets:

5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)):

(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)

6. Additional observations, if necessary:

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes:	Claims	1-16
	No:	Claims	
Inventive step (IS)	Yes:	Claims	
	No:	Claims	1-16
Industrial applicability (IA)	Yes:	Claims	1-16
	No:	Claims	

2. Citations and explanations
see separate sheet

VII. Certain defects in the international application

The following defects in the form or contents of the international application have been noted:
see separate sheet

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/27971

Re It m V

Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

Reference is made to the following documents:

D1: CH 682 207 A (ZOHREH T) 13 August 1993 (1993-08-13)

D2: US-A-5 127 127 (JAROSINSKI L) 7 July 1992 (1992-07-07)

1. CLAIMS 1-28

The document D1 is regarded as being the closest prior art to the subject-matter of **claim 1**, and discloses:

a disposable, semi-enclosed applicator for distributing a substance onto a target surface (see column 1, lines 24-29) comprising a first side 2, a second side 1, and an internal cavity between said first and second sides, said applicator further having at least one opening, such that internal cavity is externally accessible (see column 1, lines 60-65), wherein:

- a. said first side 2 comprises a porous sheet containing at least 50%, by weight, non absorbent material (see column 2, lines 2-4);
- b. said second side 1 comprises an absorbent sheet (see column 1, lines 60-62); and
- c. wherein said applicator further comprises a substantially fluid-impervious barrier layer 3 within said internal cavity adjacent said first side (see column 2, lines 6-10).

The subject-matter of claim 1 therefore differs from this known applicator in that the absorbent sheet contains at least 50%, by weight, of cellulosic material.

The problem to be solved by the present invention may therefore be regarded as the provision of an applicator of the type of D1 having a different material.

The invention of claim 1 consists merely in the use of the cellulosic material as absorbent material. This use of the cellulosic material is already well-known for a skilled person, see for example document D2, where the use of a moisture-absorbent paper is

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/27971

taught for a hand-held wiping device. Hence, no inventive step is present in the subject-matter of claim 1.

The additional features of the dependent **claims 2-9** relate to diverse modifications of the applicator of claim 1 which are obvious to the man skilled in the art. Therefore, dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

2. CLAIMS 10-16

The document D1 is regarded as being the closest prior art to the subject-matter of **claim 10** (see §1 above). The subject-matter of claim 10 differs from this known applicator in the selection of a certain range for the sheet weights and for the ratio of absorbency of the second side to the first side. Such a selection can only be regarded as inventive, if the applicator presents unexpected effects or properties in relation to the rest of the range. However, no such effects or properties are indicated in the application. Hence, no inventive step is present in the subject-matter of claim 10.

The additional features of the dependent **claims 11-16** relate to diverse modifications of the applicator of claim 1 which are obvious to the man skilled in the art. Therefore, dependent claims 2-9 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of inventive step.

Re Item VII

Certain defects in the international application

The units of weight employed in claims 10, 13 and 14 and in the description is not additionally expressed in terms of the units stipulated by Rule 10.1(a) PCT. In this case, the stipulated unit could be g.m⁻².

Contrary to the requirements of Rule 5.1(a)(ii) PCT, the relevant background art disclosed in the document D1 is not mentioned in the description, nor is this document identified therein.

**INTERNATIONAL PRELIMINARY
EXAMINATION REPORT - SEPARATE SHEET**

International application No. PCT/US00/27971

The vague and imprecise statement in the description on page 26, line 20 "...is intended to cover..." implies that the subject-matter for which protection is sought may be different to that defined by the claims, thereby resulting in lack of clarity (Article 6 PCT) when used to interpret them (see also the PCT Guidelines, III-4.3a).

The features of the claims are not provided with reference signs placed in parentheses (Rule 6.2(b) PCT).

Independent claims are not in the two-part form in accordance with Rule 6.3(b) PCT.